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SUBJECT: APPEALS JUDGE ON GACACA PROCESS AT THE LOCAL LEVEL

Classified By: Ambassador Michael R. Arietti, reason 1.4 (B/D)

11. (C) Summary. A gacaca court sector president reported that most cases had been adjudicated without problem, and that the Hutu and Tutsi communities had largely accepted the proceedings and the sentences. Her court had expended much time and energy sorting through false accusations, and the tendency of Hutu extremists and some Tutsi survivors to "conspire" in making "someone pay for my suffering." Nevertheless, the great poverty in her area meant most families focused on their daily survival, did not engage in violence, harassment or false testimony, and were simply anxious for the gacaca sessions to cease. End summary.

12. (C) Pol/Econ Chief met recently with the president of a sector-level gacaca appeals court south of Butare to discuss the wind-up of cases and the general conduct of affairs by the courts in her sector. The judge, a retired school teacher and Tutsi survivor, was previously married to a Hutu and has several children who are ethnically considered Hutus. The judge began by noting that nearly all cases had been completed in her sector (there are 416 sectors in Rwanda), including trials and appeals, and that generally speaking both Tutsis and Hutus accepted the process and the results. The court proceedings had largely gone smoothly in all but two sectors in her district, she added (there are 30 districts in Rwanda). These two sectors had a large number of survivors, who had generated an equally large number of complaints. Many survivors did not feel that all suspects were being brought before the court, or being given adequate sentences, she said. "Someone must pay for my suffering" -- this was the attitude of some survivors, she said. Much time had been expended meeting with survivors and addressing complaints.

13. (C) Another headache for gacaca courts in the area, she said, had been the evident split within the Hutu community -- a split between extremists now in jail, either as suspects or after conviction on genocide charges, and the rest of the Hutu community. Extremists made many false accusations of fellow Hutus, she said. She noted one particularly heinous killer, who accused 30 other Hutus of participation in his crimes. Her court has expended "enormous" amounts time and energy dealing with these accusations, she said, and ultimately exonerated all 30 persons.

14. (C) Most worrisome, she said, was what she considered to be something of a conspiracy between Tutsi survivors and Hutu extremists, the feeling that one should find someone/anyone to accuse. Embittered Tutsi survivors, anxious to "make someone pay," supported the false accusations of Hutu

extremists bent on "pulling down" other Hutus. Most false claims, she said, concerned property claims, and the wish to either "get something for free," or see someone lose something of value. These false accusations occupied much of her court's time.

¶15. (C) A further headache for the judge had been the "large gap" between what was owed for property crimes during the genocide, and what people could now pay (Note: category three property crimes result in no custodial sentences, but rather are generally settled by private agreement between the accused and the survivor. End note). Nearly everyone was accused and the survivor. End note). Nearly everyone was very poor in her rural farming sector, and those required to compensate survivors for lost property could rarely do so. She mentioned that her family had lost two houses in the genocide, worth together approximately USD 1600. This sum, to the impoverished Hutus expected to compensate her family, seemed like a fortune beyond their imagining. To her and her family, it would be barely enough to rebuild. She never expected to see the money.

¶16. (C) The court president said that violence and harassment had "not been a problem" in her sector. Other sectors had reported such incidents, but hers had been spared. She attributed this to a strong sector government, extensive efforts by herself and other court officials to speak to the local population, explain the process, and give attention to their concerns and complaints. A further explanation: the general poverty of the area. People needed to farm, to make a living, to feed their families, she said. Life was very difficult, and their minds were focused on keeping themselves and their families together.

¶17. (C) She noted that the speed-up last summer in the gacaca courts proceedings, from one day to three days a week, had been a difficult burden for the community to meet. Most people were anxious for the process to be finished, if only to be relieved of the weekly burden of repeated gacaca attendance. She and other judges worked for no pay, she commented, and the burden on their own lives had been arduous. All in all, she claimed, the process had worked and had been accepted by the local population. Now everyone wanted it to end.

¶18. (C) Comment. While appalled at the sheer mean-spiritedness of the many false accusations her court had dealt with, the sector court president was firm in her conviction that the process had largely succeeded. Her comments, those of a Tutsi survivor with Hutu children, are more than anecdotal; she has presided over or reviewed the results of several thousand cases. She is one of 416 sector court presidents, and in other sectors there has been violence and intimidation of witnesses and survivors, and corruption in the proceedings (in the 207 Human Rights report, we cite 324 incidents of violence and several dismissals of dishonest judges). When set against the massive scale of the village-level gacaca system of justice, with more than a million suspects to be processed, her comments are a small but useful addition to our understanding. End comment.

ARIETTI